

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION

IN RE:)
)
LAURA E. PHILLIPS) NO. 19 B 17652
) Chapter 13
Debtor.) JUDGE PAMELA S. HOLLIS (JOLIET)

**MOTION FOR RELIEF OF AUTOMATIC STAY PURSUANT TO
RULE 4001 AND UNDER 11 U.S.C. 362 (d) (1) and (2) (d) and 2(A) and Section 1301 et.al**

NOW COMES, a creditor, PROVIDENCE CATHOLIC HIGH SCHOOL, by and through its attorney, STEVEN PLATO TROY, and moves this Court to enter an Order granting relief from the Automatic Stay herein pursuant to Rule 4001 and under 11. U.S.C. 362 (d) (1) and (d) (2) and 2(A), and Section 1301 et. al, and states and alleges as follows:

1. That on June 21, 2019, the Debtor, LAURA E. PHILLIPS (hereinafter referred to as "LAURA, or Debtor "), filed a Chapter 13 Bankruptcy Plan in this cause.

2. That the Movant PROVIDENCE CATHOLIC HIGH SCHOOL (hereinafter referred to as "PROVIDENCE or Creditor"), is a creditor, pursuant to a Written Agreement, for tuition for LAURA'S son Logan Phillips, entered into on August 10, 2018 between LAURA AND PROVIDENCE.

3. That attached hereto and made a part hereof as Exhibit "A" is the Promissory Tuition Agreement dated August 10, 2018.

4. LAURA'S Husband, Harold Phillips, (hereinafter referred to as HAROLD) is liable to PROVIDENCE, under the Illinois Family Expense Statute 750 ILCS 65\15 (Expenses of Family), to the Plaintiff for the unpaid tuition owed to PROVIDENCE, for their son Logan Phillips, (hereinafter referred to as LOGAN).

5. On July 28, 2019, PROVIDENCE filed a Proof of Claim, as a secured creditor in this cause in the sum of \$8,972.00.

6. On September 13, 2019 LAURA filed a Chapter Plan that will only pay 23% to the unsecured creditors, and PROVIDENCE is an unsecured creditor.

7. LOGAN, who turned 18, in December 2018, is responsible under Illinois Law for the costs of an education, which is considered a necessity and if he was a minor at the time PROVIDENCE, he attended PROVIDENCE, he can still be sued for the cost of that education.

8. The Statement dated, July 11, 2019, has a breakdown for the balances sought by PROVIDENCE, and it appears most if not all of the balances due, were incurred after LOGAN turned 18 years old. This Statement is attached hereto and made a part hereof, as Exhibit "B".

9. LOGAN received the benefit of the education and is believed a college student.

10. Due to a clerical error, PROVIDENCE released an official transcript, to college where LOGAN is now a student and LOGAN could not attend that college, without having received an Official Transcript from PROVIDENCE.

11. PROVIDENCE as private school under Illinois, had a right to hold LOGAN'S transcript until PROVIDENCE, had been paid in full.

12. That pursuant to Section 1301, et. al, PROVIDENCE, moves this Court for Relief of the Automatic Stay, based on LAURA only paying 23 %, of the monies due PROVIDENCE, and to be allowed to file in the Circuit Court of Will County, a lawsuit against HAROLD and LOGAN for the remaining 77% of the balance due, PROVIDENCE, or \$6.908.44.

WHEREFORE, the Creditor, PROVIDENCE CATHOLIC HIGH SCHOOL, prays this Court grant its Motion for Relief of the Automatic Stay, as to Debtor LAURA PHILLPS, herein, to be allowed to file in the Circuit Court of Will County, a lawsuit against HAROLD and LOGAN for the remaining 77% of the balance due, PROVIDENCE, or \$6.908.44. and for any other relief as the Court deem just and proper.

PROVIDENCE CATHOLIC HIGH SCHOOL

By: 

STEVEN PLATO TROY, Its Attorney

STEVEN PLATO TROY – 03122140
PO BOX 606
Channahon, Illinois 60410-0606
(815) 467-0756 Fax (815)467-6247
StevenPlatoTroy@aol.com

STATE OF ILLINOIS)
)
COUNTY OF WILL)

Steven Plato Troy, as Attorney for the Creditor in this cause, certifies that he has read the attached pleading in this cause and has complied with the U.S. Bankruptcy Court for the Northern District of Illinois Rules 400 and 402 and FED. R. Bankr. 7005. That to the best of my knowledge upon information and belief formed after reasonable inquiry that this pleading is well grounded in fact and is warranted by existing law, or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.



STEVEN PLATO TROY
As Attorney for the Trustee in this cause.

STEVEN PLATO TROY – 03122140
PO BOX 606
Channahon, Illinois 60410-0606
(815) 467-0756 Fax (815)467-6247
StevenPlatoTroy@aol.com